

REMARKS

A. Status of the Claims

New Claims 26 and 27 have been added. Claims 26 and 27 contain the same subject matter as “amended Claims 22 and 25” outlined in the Response dated February 13, 2004. New Claims 26 and 27 have simply been rewritten in the appropriate format, as requested by the Examiner. Support for New Claims 26 and 27 is found in the application as originally filed. Accordingly, no new matter has been added by the amendment.

B. Rejection of Claims Under 35 U.S.C. § 103

Applicants thank the Examiner for her indication that all rejections of the claims under 35 U.S.C. § 103(a) over the following references: WO 92/16213, WO 94/15602, WO 94/07861, and WO 95/07926 have been overcome. See Office Action dated May 12, 2004, paragraphs 2, 3, 4, and 5, pages 2-3.

C. Previous Rejection of Claims Under 35 U.S.C. § 112, Second Paragraph

Applicants thank the Examiner for her indication that the rejection under 35 U.S.C. § 112, second paragraph as being indefinite has been withdrawn. See paragraph 1 of Office Action dated May 12, 2003.

D. Obviousness-Type Double Patenting Rejections

Applicants thank the Examiner for her indication that the rejection of various claims for obviousness-type double patenting over Claim 1 of U.S. Patent No. 5,693,810 and over Claims 22 and 25 of U.S. Patent No. 6,645,974 have been withdrawn.

E. New Rejection of Claims Under 35 U.S.C. § 112, Second Paragraph

Claims 22 and 25 are rejected by the Examiner under 35 U.S.C. § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully submit that the rejections of Claims 22 and 25 under 35 U.S.C. § 112, second paragraph have been rendered moot in view of the cancellation of the aforementioned claims. The subject matter of Claims 22 and 25 have been rewritten as new Claims 26

and 27 to further clarify and define the invention. Accordingly, Applicants respectfully request that the rejection of Claims 22, and 25 under 35 U.S.C. § 112, second paragraph be withdrawn.

H. Rejection under 35 U.S.C. § 251

Applicants submit a duly executed Supplemental Reissue Oath/Declaration under 37 CFR 1.175(b)(1) herewith as requested by the Examiner. Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 251.

In view of the foregoing remarks, Applicants respectfully request the reconsideration of the pending claims and the re-examination of the application. It is believed that all formal requirements are satisfied by this response, and therefore this Re-issue Application is in condition for allowance. The timely allowance of the pending claims is respectfully requested.

If a telephonic communication with the Applicants' representative will advance the prosecution of the instant application, please telephone the representative indicated below. Applicants believe no additional fees are due but the Commissioner is authorized to charge any fees required in connection with this response to Merck Deposit Account No. 13-2755.

Respectfully submitted,

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Enclosure:
Supplemental Declaration for Reissue Application